

THE EMERGENCY FOOD ASSISTANCE PROGRAM

POLICY AND PROCEDURES MANUAL

ELIGIBLE RECIPIENT AGENCIES AND DISTRIBUTION PROCEDURES

A. Food Banks

In accordance with federal Food Distribution Program Regulations (7 CFR; Parts 250 and 251), food banks may enter into agreements with the Family Support Division (i.e. State Agency) and may participate in TEFAP subject to the following guidelines:

1. The food bank shall assume all responsibility and accountability for TEFAP commodities from the time they are received until they are distributed for household consumption or utilized in meals at soup kitchens and other congregate feeding organizations.
2. Food banks may receive TEFAP commodities by:
 - (a) direct truckload shipments in accordance with procedures in Section III of this Manual;
 - (b) transfer from other food banks upon approval by the State Agency (i.e. Family Support Division); or
 - (c) redonation from other state agencies or other federal food programs.
3. Food banks shall not transfer TEFAP commodities to any other USDA food distribution program without the prior authorization of the State Agency.
4. The food bank shall enter into written TEFAP agreements (FD-6) with eligible recipient agencies (food pantries and congregate meal sites). The food bank retains responsibility for fulfillment of all terms and conditions of the State Agency/Food Bank Agreement when it enters into agreements with eligible recipient agencies (i.e. distribution sites; see definition in Appendix A).
5. Food banks will distribute TEFAP commodities to food pantries, soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes (first tier agencies) within their geographic service area.

When commodity surpluses exist or a food item is not conducive for household use, these foods may (with the prior written approval of the State Agency) be distributed to second tier agencies within their geographic service

area (refer to Appendix A for definitions of first tier agencies and second tier agencies).

6. In no case may the inventory level of each USDA-donated food item in storage exceed a six month supply, unless sufficient justification for additional inventory has been submitted to, and approved by the State Agency.

7. Commodity Allocations

- (a) The food bank shall allocate TEFAP commodities to each county using a formula provided by the State Agency, based 88% on USDA's 60/40 (poverty/unemployment) formula plus a 12% base for each of the six service areas.

- (b) The food bank shall allocate commodities to each first tier agency in accordance with the following:

- If there is no pantry in the county, the allocation goes to surrounding counties.
- If there is more than one agency per county:

Pantries Only:

Prorate allocation by percentage of persons or households served by each pantry.

Pantry(ies) & Congregate Meal Site(s):

- (1) Prorate allocation based on the number of persons served per month by each agency.

or

- (2) Offer commodities to congregate meal sites first (satisfying their need for a 30 day period), and then allocate the balance of the county's fair share to food pantries based on the percentage of persons or households served by each pantry.

- If possible during month of distribution, re-allocate/offer refusals as follows:

- (1) First, to other agencies within the same county.
- (2) Second, to needy agencies in other counties as the food bank deems appropriate/necessary to alleviate situations of emergency or distress, recent economic downturns, etc.

If (1) and (2) above are not achieved during the month of distribution, commodities shall remain in inventory for the next month's allocations.

If the food bank prefers an alternate to the above, the food bank's allocation proposal (including the specific method and data sources to be used) shall be submitted to the State Agency for approval.

8. Food banks shall distribute commodities in whole case amounts.
9. Food banks may repackage USDA-donated foods only with the prior written approval of the State Agency. Requests to repackage USDA products must be submitted in writing to the State Agency and include the following information: type of commodity, who will be doing the repackaging, where the repackaging will be done, the new pack size, and assurance that all applicable State and local health licenses/permits are in place.
10. The food bank shall have a distribution system which assures access to TEFAP for each county in its service area.

(a) Maximizing Site Availability/Accessibility

The food bank shall maintain a sufficient number of sites to ensure that emergency and supplemental food is available to all low-income eligible households and individuals within the area to be served. The food bank shall enter into agreements with sites that maintain regular and consistent hours of operations. If a site is open less than one day per week, the food bank is encouraged to continually seek to increase the number of days of operation and/or recruit another distribution site to assure optimal accessibility to clients.

(b) Selection/Location of Sites

The food bank shall consider the following when selecting distribution sites:

- Proximity of other distribution sites offering similar services.
- Adequacy of the distribution site's storage and distribution facility.
- Days/hours of operation.
- Whether the organization has the ability to comply with federal and State operating/participation standards.
- Ability of the distribution site to provide food from non-USDA sources.
- Ability to ensure TEFAP commodities are made available to all eligible households.
- Ability to maintain accurate records for the amount of TEFAP commodities received.

- Ability to maintain required records for the number of households served with TEFAP commodities.

(c) Ensuring Access to Nutritionally Balanced Food Packages

The food bank must ensure that all food pantries integrate both TEFAP commodities and non-USDA food into the food package provided to households to the maximum extent possible.

(d) Minimizing Potential for Duplication of Services

The food bank shall, through careful selection of site locations, minimize the potential for duplication of program services. The food bank will collaborate with its contracted sites to implement measures and strategies to minimize duplication of services. These strategies may include the establishment of exclusive, non-overlapping service areas, site consolidations, limiting the number of TEFAP sites or coordination of services within geographical service areas.

- (e) The establishment of a new TEFAP food pantry in a county (excluding Buchanan, Jackson, Greene, St. Louis County and St. Louis City) in which there are already two or more TEFAP pantries requires the prior written approval of the State Agency.

11. Eligible Recipient Agency Listings

The food bank shall maintain master lists of all food pantries, soup kitchens (i.e. all first tier congregate meal organizations) and second tier congregate meal organizations under TEFAP agreement. The lists shall include the name, address, contact person and phone number for each distribution site. In addition, the food pantry listing shall include the days/hours of TEFAP operation. A copy of each list (including the number of households participating at food pantries or meals served by first tier congregate meal organizations) shall be submitted to the State Agency in January and July of each year.

The State Agency is to be notified promptly, in writing, of additions and cancellations in TEFAP distribution sites. The notification shall include the reason for the addition, closure, cancellation, etc.

12. Eligible Recipient Agency Oversight/Training

The food bank shall be responsible for program oversight of contracted distribution sites. This shall be achieved in part through monitoring of distribution site activities to ensure compliance with all applicable federal and State rules, regulations and policies, including ongoing training of key distribution site staff.

Note: The above does not relieve the State Agency from the federal monitoring requirement in 7 CFR; Part 251.

13. Irregularities

The food bank shall maintain procedures for handling, investigating and resolving complaints. A copy of all complaints involving the violation of State and federal law shall be immediately forwarded to the State Agency. The food bank and its distribution sites agree to correct any irregularities that are disclosed.

14. Hold and Recall Procedures

The commodity hold and recall process is used when a food safety issue is raised about a USDA purchased commodity. If a commodity is placed on hold or is recalled, the USDA Food and Nutrition Service, State Agency, food bank(s) and (when necessary) distribution site(s) will work together to expeditiously resolve the problem.

- (a) Food banks are required to assign one staff member to be their Food Safety Coordinator and one to serve as Alternate Food Safety Coordinator; providing their names, titles, e-mail addresses, phone and fax numbers to the State Agency. The Food Safety Coordinator or Alternate will act as a liaison between the food bank and State Agency.
- (b) The above data must be maintained current on a perpetual basis.
- (c) The State Agency shall be promptly notified of any changes.

B. Distribution Sites

To be eligible for participation in TEFAP, distribution sites shall be federally tax-exempt, private non-profit or governmental agencies, legally authorized to operate in the State of Missouri, have a TEFAP Agreement (FD-6) with a food bank and have an established operation involving the distribution of food to predominantly needy persons on a regular basis as a primary part of its normal activities.

- 1. Food pantries shall distribute food to low-income and unemployed households, including food from sources other than USDA, to relieve situations of emergency and distress.
- 2. The primary (i.e. first tier) congregate feeding facilities eligible to receive TEFAP commodities are soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes. These agencies shall serve prepared nutritious meals, including food from sources other than USDA, to relieve situations of emergency or distress.

3. The secondary (i.e. second tier) congregate feeding organizations eligible to receive commodities are those which do not relieve situations of emergency or distress; however, do serve meals predominately to needy persons. Second tier agencies may receive only those TEFAP foods (1) in surplus of first tier agency needs and (2) specified by the State Agency as available to second tier agencies.

4. Hold and Recall Procedures

- (a) All TEFAP distribution sites (i.e. food pantries and congregate meal sites) are required to assign one person to serve as their Food Safety Coordinator and one to serve as Alternate Food Safety Coordinator; providing their names, titles, e-mail addresses, phone and fax numbers to the food bank.

The Food Safety Coordinator or Alternate will act as a liaison between the TEFAP distribution site and food bank.

- (b) The above data must be maintained current on a perpetual basis.
- (c) The food bank shall be promptly advised of any changes.

5. Public Notification

- (a) Distribution sites shall maintain a public outreach system that encourages participation and informs all potential participants, including minorities, of the availability of commodities and hours of operation throughout their service area.
- (b) The following nondiscrimination statement is to be included on all program materials including publications, outreach materials, handouts, leaflets, brochures and any other materials that describe the USDA program benefits.

“In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability.

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S. W., Washington, D.C. 20250-9410 or call (800)795-3272 (voice) or (202)720-6382 (TTY). USDA is an equal opportunity provider and employer.”

If the material is too small to permit the full statement to be included, the material at a minimum will need to include the statement in print size no smaller than the text, that *“This institution is an equal opportunity provider.”*

- (c) Distribution sites shall publicize their regularly scheduled days and hours of operation. The posting of a sign at the physical location of a food pantry to identify it as such is essential. Food pantries shall display information for clients to access food in the event of emergencies outside regularly scheduled hours of operation. The distribution of posters, pamphlets, newsletters throughout the geographic service area and public service announcements (PSAs) by local radio and television stations are recommended forms of public outreach. Word of mouth shall not be used as the sole or primary method of conducting public outreach.

6. Tax-Exempt Status

Private organizations must:

- (a) be currently operating another federal program requiring tax-exempt status under the Internal Revenue Code (IRC), or
- (b) possess documentation from the Internal Revenue Service (IRS) recognizing tax-exempt status under the IRC, or
- (c) if not in possession of such documentation, be automatically tax exempt as “organized or operated exclusively for religious purposes” under the IRC, or
- (d) if not in possession of such documentation, but required to file an application under the IRC to obtain tax-exempt status, have made application for recognition of such status and be moving toward compliance with the requirements for recognition of tax-exempt status. If the IRS denies a participating organization’s application for recognition of tax-exempt status, the organization must immediately notify the food bank, which will terminate the organization’s agreement and participation immediately. If documentation of IRS recognition of tax-exempt status has not been obtained and forwarded to the food bank within 180 days of the effective date of the organization’s approval for participation in TEFAP, the food bank must terminate the organization’s participation until such time as recognition of tax-exempt status is actually obtained, except that the food bank may grant a single extension not to exceed 90 days if the organization can demonstrate, to the food bank’s satisfaction, that its inability to obtain tax-exempt status within the 180 day period is due to circumstances beyond its control. It is the responsibility of the organization to document that it has complied with all IRS requirements and has provided all information requested by IRS in a timely manner.

C. Food Pantry Guidelines

Food pantries may receive TEFAP and other USDA-donated commodities from food banks and distribute these food items to needy households in accordance with the following procedures.

1. Food pantries shall use the “Application For Receipt of TEFAP Commodities” (FD-15A), to certify eligibility and to document the receipt of commodities. Eligible households shall receive TEFAP commodities immediately after the application is approved in accordance with procedures outlined in Section II of this Manual.

The food pantry shall obtain the recipient’s hand written signature and proper entries on the Application For Receipt of TEFAP Commodities (FD-15A).

2. The rate of issue for TEFAP commodities shall be based on the quantities available and the number of households projected to be served. The Commodity Distribution Rate Worksheet (FD-7) is an optional electronic form which can be used to indirectly arrive at an appropriate rate of distribution for each commodity.
3. TEFAP and other commodities shall be used as a supplement to, but not as a substitute for, food normally issued. Donation of foods from other sources may not be diminished because of the receipt of federally-donated foods.
4. Food pantries are not permitted to repackage any USDA-donated foods.
5. Food pantries shall distribute non-USDA foods with commodities to the maximum extent possible.
6. In no case may the inventory level of each commodity exceed a six month supply unless sufficient justification for additional inventory has been submitted to, and approved by, the food bank with State Agency concurrence.
7. TEFAP and other commodities shall be distributed to needy households in situations of emergency or distress at no charge to the recipient.
8. Food pantries shall not require a household to obtain a “referral” for TEFAP commodities.
9. Eligible households shall be allowed to receive TEFAP commodities once per calendar month.

The only exception to this policy is a “burn-out”, natural disaster or similar emergency situation where food has been lost.

10. Food pantries shall implement measures and strategies to ensure (within reason) that households do not receive commodities more frequently than once per month. This may include the establishment of exclusive, non-overlapping service areas, comparing lists of TEFAP participants with other food pantries in the same area, etc.
11. Food pantries shall serve only residents of the county in which the food pantry is located; unless this requirement poses an “undue hardship” upon the applicant household.
12. Food pantries must collect and maintain on record for each household receiving TEFAP commodities for home consumption, the name of the household member receiving commodities, the address of the household (to the extent practicable), the number of persons in the household, and the basis for determining that the household is eligible to receive commodities for home consumption.
13. The food pantry shall adhere to all provisions of the Food Bank/Eligible Recipient Agency Agreement (FD-6) and retain a copy at the distribution site for reference and review.

D. Food Pantry Facilities

1. The distribution site selected should provide protection against the elements. It should be tightly constructed and enclosed, waterproof, rodent and insect free and well ventilated. There should be sufficient floor strength to accommodate the weight of stored commodities. In addition, it must be secure and prevent unnecessary sunlight.
2. In selecting the distribution site, consideration should also be given to the accessibility for unloading truck shipments of commodities and the parking and accessibility to recipients’ vehicles.
3. The “Distribution Rate Chart” (FD-19D) or a similar substitute form, showing the pantry’s rates of distribution for each TEFAP commodity, by household size, must be prominently displayed for applicants and recipients to view.
4. Temperature requirements for most commodities can be found on the FNS Food Distribution Programs website at:
http://www.fns.usda.gov/fdd/programs/tefap/cfs_tefap.htm.

E. Food Pantry Distribution

1. Food pantries shall distribute TEFAP commodities to needy households:
 - (a) on an “as needed” basis; or
 - (b) via mass distribution; as long as the following conditions are met:

- there are sufficient quantities of each food item remaining after the mass distribution to provide for households in situations of emergency or distress until the next scheduled distribution; and
 - distributions are no less frequent than once per month; and
 - the days/hours of mass distribution are publicized.
2. Food pantries shall maintain regularly scheduled and consistent operating hours for TEFAP distribution and provide for emergency access to food.
 3. Food pantries shall publicize the days and hours of operation. The posting of a sign at the physical location of the site to identify it as a food pantry is essential.
 4. Recipients should be served on a first-come, first-served basis, except for elderly or disabled persons. These recipients should be issued commodities as soon as possible after arrival at the distribution site.
 5. Arrangements should be made for the protection of recipients during inclement weather, while waiting to receive commodities.
 6. Each recipient will be given the option of refusing to accept any amount of any of the commodities offered.
 7. Food pantries shall ensure that homebound and other households unable to travel have equal access to TEFAP commodities via proxy or delivery.

F. First Tier Congregate Meal Organization Guidelines

Soup kitchens, homeless shelters, domestic violence shelters and Kids Cafes (along with food pantries) are the first priority for distribution of TEFAP commodities. First tier congregate meal organizations may receive TEFAP commodities from food banks and use these foods in prepared meals in accordance with the following procedures.

Note: The term “soup kitchen” in this Section shall also refer to homeless shelters, domestic violence shelters and Kids Cafes.

1. TEFAP commodities shall be used as a supplement to, but not as a substitute for, food normally used. Donation of foods from other sources may not be diminished because of the receipt of federally-donated foods.
2. Soup kitchens shall serve prepared meals to homeless or other needy people in a congregate setting as an integral part of its regular services/activities.

3. Soup kitchens may not charge recipients for commodities used in prepared meals.
4. Soup kitchens must have regularly scheduled and consistent hours for meal service.
5. Meals must be served in a clean, secure environment.
6. Soup kitchens shall adhere to all provisions of the Food Bank/Eligible Recipient Agency Agreement (FD-6) and retain a copy on-site for reference and review.
7. Soup kitchens shall be responsible for documenting the number of meals served.
8. In no case may the inventory level of each commodity exceed a six month supply unless sufficient justification for additional inventory has been submitted to, and approved by, the food bank with State Agency concurrence.
9. Temperature requirements for most commodities can be found on the FNS Food Distribution Programs website at:
http://www.fns.usda.gov/fdd/programs/tefap/cfs_tefap.htm.

G. Use of Commodities for Demonstrations or Workshops

1. A quantity of any commodity donated for use in TEFAP may be made available to professionally trained home economists for demonstrations or workshops relating to the more effective utilization of commodities. The amounts of commodities released for this purpose will be limited to the amounts needed for “tasters”. These may be prepared from one or more commodity foods and shall be served in small amounts rather than as a full meal.
2. Letter of Request: For each demonstration or workshop to be conducted, a written request shall be submitted by the food bank to the State Agency stating: (a) the purpose for which the commodities are to be used; (b) where they will be used; (c) when they will be used; (d) the approximate number of persons to be instructed; and (e) the quantities of each commodity desired.
3. The State Agency will notify the food bank of approval or denial of the request, and the food bank will handle distribution arrangements.
4. For each distribution made for demonstrations or workshops, the form FD-29, “Transfer of USDA-Donated Foods” or a similar signed receipt will be obtained from the person(s) conducting the demonstration or workshop.

5. Distributions for use in demonstrations or workshops shall be reported as “Transferred Out Other - Specify” on line 5(E) of the monthly Report of Receipts and Distributions (FD-3).

H. Limitation on Activities Unrelated to TEFAP

Program regulations permit certain activities at distribution sites unrelated to TEFAP food distribution as long as the following conditions are met:

1. The person(s) conducting the activity makes clear that the activity is not part of TEFAP and is not endorsed by the U.S. Department of Agriculture.
2. The person(s) conducting the activity makes clear that participants need not cooperate (contribute money, sign a petition or converse) with the individuals involved in order to receive TEFAP foods.
3. The activity does not disrupt the TEFAP distribution.
4. Permissible activities include distributing recipes or information about commodities, dates of distributions, hours of operations, or other federal, State or local government programs or services for the needy. These activities do not require clarification that the information is not endorsed by USDA. The intent is not to infringe upon the public's right of free speech, but rather to avoid harassment of TEFAP participants and to avoid any implication that USDA endorses the information distributed.
5. Impermissible activities include information not related to TEFAP being placed in or printed on TEFAP bags or boxes. In questionable cases, contact the State Agency.

I. Prohibited Activities

1. Sale or other disposal of TEFAP commodities into commercial channels is strictly prohibited. The food bank and its distribution sites shall be aware that the sale, exchange, or use of commodities for personal gain or any other form of fraud or abuse is subject to federal and/or State prosecution.
2. Participants eligible to be served by TEFAP shall not be required to make payment in money, material or services as a condition of receiving TEFAP commodities. Voluntary contributions may not be solicited unless the distribution site makes clear that 1) the activity is not part of TEFAP; 2) is not endorsed by USDA; 3) is not a condition for the receipt of TEFAP commodities; and 4) is not conducted in a manner that disrupts the distribution of TEFAP commodities.
3. Attendance or membership in any organization or if perceived as such by the client for receipt of TEFAP commodities is expressly prohibited (church, political, fraternal, union, etc.).

4. Political activity in any form is prohibited during the distribution of TEFAP commodities. Candidates may not make political appearances at distribution sites. Campaign literature and signs may not be evident. Bags or boxes advertising candidates or political causes may not be used to carry commodities, and staff and volunteers may not wear buttons or politically inspired apparel.
 5. Discrimination on the basis of race, color, national origin, sex, age or disability is prohibited. The “And Justice For All” poster must be displayed at eligible recipient agencies for all TEFAP applicants and recipients to view. Reports of alleged discrimination must be forwarded to the State Agency.
- J. Volunteers: Food banks, food pantries, soup kitchens and emergency shelters are encouraged to use volunteer workers to the maximum extent possible.
- K. Food Distribution Programs Fact Sheet: For information on other food distribution programs, refer to Exhibit A following this Section.